

PATENT Customer No. 22,852 Attorney Docket No. 09367.0084

#### IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re A	application of:	)
Gustav	ve BERGNES et al.	) Group Art Unit: 1624
Applic	ation No.: 10/626,012	) Examiner: Tamthom Ngo TRUONG
Filed:	July 23, 2003	)
For:	COMPOUNDS, COMPOSITIONS, AND METHODS	) Confirmation No.: 9951
P.O. B	issioner for Patents ox 1450 ndria, VA 22313-1450	·
Sir:		

## INFORMATION DISCLOSURE STATEMENT UNDER 37 C.F.R. § 1.97(b)

Pursuant to 37 C.F.R. §§ 1.56 and 1.97(b), applicants bring to the attention of the Examiner the documents on the attached listing. This Information Disclosure Statement is being filed before the mailing date of a first Office Action on the merits for the above-referenced application.

Copies of the listed foreign and non-patent literature documents are attached. Copies of the U.S. patent publications are not enclosed.

Applicant respectfully requests that the Examiner consider the listed documents and indicate that they were considered by making appropriate notations on the attached form.

This submission does not represent that a search has been made or that no better art exists and does not constitute an admission that each or all of the listed documents are material or constitute "prior art." If the Examiner applies any of the documents as prior art against any claim

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in the application and applicants determine that the cited documents do not constitute "prior art" under United States law, applicants reserve the right to present to the office the relevant facts and law regarding the appropriate status of such documents.

Applicants further reserve the right to take appropriate action to establish the patentability of the disclosed invention over the listed documents, should one or more of the documents be applied against the claims of the present application.

If there is any fee due in connection with the filing of this Statement, please charge the fee to Deposit Account No. 06-0916.

Respectfully submitted,

FINNEGAN, HENDERSON, FARABOW, GARRETT & DUNNER, L.L.P.

Date: January 13, 2006

Lauren L. Steven Reg. No. 36,691 JAN 1 3 2006

Atty. Docket No.	03 <b>38030</b> 24-00000	Appln. No.	10/626,012
Applicants	Gustave BERGNES et al.		
Filing Date	July 23, 2003	Group:	1624

U.S. PATENT DOCUMENTS							
Examiner Initial*	Document Number	Issue Date	Name	Class	Sub Class	Filing Date If Appropriate	
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2.	5,342,944	08/30/94	Mohan et al.				
3.	5,939,421	08/17/99	Palanki et al.				
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23.	2005/0209254 A1	09/22/05	Wang et al.				

Examiner	xaminer Date Considered		
*Examiner:	Initial if reference consider through citation if not in co communication to applicar	ered, whether or not citation is in conformance with MPEP 609; draw line conformance and not considered. Include copy of this form with next ant.	
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	· <del>·</del>	U.S. PA	TENT DOCUMENTS			
Examiner Initial*	Document Number	Issue Date	Name	Class	Sub Class	Filing Date If Appropriate
24.	2005/0059823 A1	03/17/05	McNaughton-Smith et al.			
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5.	WO 93/23404 A1	11-25-1993	WIPO			
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11.	WO 03/027234 A2	04-03-2003	WIPO				
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2.	Office Action mailed May 7, 2001, for U.S. Patent Application No. 09/699,047, filed October 24, 2000.	
3.	Office Action mailed April 24, 2002, for U.S. Patent Application No. 09/699,047, filed October 24, 2000.	
4.	Office Action mailed February 6, 2002, for U.S. Application No. 09/724,644, filed November 28, 2000.	
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7.	Office Action mailed April 9, 2002, for U.S. Application No. 09/724,713, filed November 28, 2000.	

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9.	Office Action mailed March 22, 2002, for U.S. Application No. 09/724,897, filed November 28, 2000.
10.	Office Action mailed December 17, 2002, for U.S. Application No. 09/724,897, filed November 28, 2000.
11.	Office Action mailed July 11, 2003, for U.S. Application No. 09/724,897, filed November 28, 2000.
12.	Office Action mailed May 12, 2004, for U.S. Application No. 09/724,897, filed November 28, 2000.
13.	Office Action mailed July 26, 2002, for U.S. Application No. 09/724,941, filed November 28, 2000.
14.	Office Action mailed January 13, 2003, for U.S. Application No. 09/724,941, filed November 28, 2000.
15.	Office Action mailed January 7, 2004, for U.S. Application No. 09/724,941, filed November 28, 2000.
16.	Office Action mailed July 3, 2002, for U.S. Application No. 09/724,778, filed November 28, 2000.
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18.	Office Action mailed August 8, 2003, for U.S. Application No. 09/724,778, filed November 28, 2000.
19.	Office Action mailed December 29, 2003, for U.S. Application No. 09/724,778, filed November 28, 2000.
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22.	International Search Report mailed February 22, 2001, for PCT Application No. PCT/US00/29585, filed October 26, 2000.
23.	Written Opinion mailed September 21, 2001, for PCT Application No. PCT/US00/29585, filed October 26, 2000.
24.	International Preliminary Examination Report mailed January 17, 2002, for PCT Application No. PCT/US00/29585, filed October 26, 2000.
25.	Office Action mailed August 8, 2003, for U.S. Application No. 10/300,967, filed November 20, 2002.
26.	International Search Report mailed February 7, 2003, for PCT Application No. PCT/US02/37410, filed November 20, 2002.

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27.	Written Opinion mailed September 9, 2003, for PCT Application No. PCT/US02/37410, filed November 20, 2002.
28.	International Preliminary Examination Report mailed August 11, 2004, for PCT Application No. PCT/US02/37410, filed November 20, 2002.
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30.	International Search Report mailed October 17, 2003, for PCT Application No. PCT/US03/18778, filed June 12, 2003.
31.	Office Action mailed October 18, 2004, for U.S. Application No. 10/462,002, filed June 12, 2003.
32.	Written Opinion mailed March 2, 2004, for PCT Application No. PCT/US03/18778, filed June 12, 2003.
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34.	International Search Report and Written Opinion mailed December 6, 2004, for PCT Application No. PCT/US04/01279, filed January 20, 2004.
35.	International Search Report mailed August 29, 2003, for PCT Application No. PCT/US03/14787, filed May 9, 2003.
36.	Written Opinion mailed June 10, 2004, for PCT Application No. PCT/US03/14787, filed May 9, 2003.
37.	International Preliminary Examination Report mailed November 16, 2004, for PCT Application No. PCT/US03/14787, filed May 9, 2003.
38.	International Search Report mailed July 16, 2004, for PCT Application No. PCT/US03/13627, filed May 2, 2003.
39.	Office Action mailed November 2, 2004, for U.S. Application No. 10/366,828, filed February 14, 2003.
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42.	International Preliminary Examination Report mailed December 8, 2004, for PCT Application No. PCT/US03/04713, filed February 14, 2003.

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Examiner Initial*	OTHER DOCUMENTS (Including Author, Title, Date, Pertinent Pages etc.)
43.	International Search Report mailed July 9, 2004, for PCT Application No. PCT/US03/23319, filed July 23, 2003.
44.	International Preliminary Examination Report mailed September 30, 2004, for PCT Application No. PCT/US03/23319, filed July 23, 2003.
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47.	Office Action mailed January 4, 2005, for U.S. Application No. 10/444,283, filed May 22, 2003.
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49.	International Preliminary Examination Report mailed June 23, 2004, for PCT Application No. PCT/US03/16500, filed May 22, 2003.
50.	Bergnes et al., "Compounds, Compositions, and Methods," U.S. Patent Application No. 10/980,627, filed November 2, 2004.
51.	Bergnes et al., "Compounds, Compositions, and Methods," U.S. Patent Application No. 10/982,195, filed November 5, 2004.
52.	Bergnes, "Compounds, Compositions, and Methods," U.S. Patent Application No. 11/005,629, filed December 7, 2004.
53.	Written Opinion mailed September 24, 2004, for PCT Application No. PCT/US02/41309, filed December 20, 2002.
54.	International Search Report mailed October 12, 2004, for PCT Application No. PCT/US03/30788, filed September 30, 2003.
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61.	Sauter et al., CAPLUS Abstract No. 87:84931 (1977).		
62.	Uchida et al., CAPLUS Abstract No. 81:152142 (1974).		
63.	Yamada et al., CAPLUS Abstract No. 134:252363 (2001).		
64.	Matsuoka et al., CAPLUS Abstract No. 133:150920 (2000).		
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73.	Office Action mailed June 24, 2005, for U.S. Application No. 10/773,602, filed February 6, 2004.		
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75.	Gavezzotti "Are Crystal Structures Predictable" Acc. Chem. Res. 27:309-314 (1994)		
76.	Wolff (ed.) <u>Burger's Medicinal Chemistry and Drug Discovery</u> , 5 <sup>th</sup> <u>Edition Volume 1: Principles and Practice</u> , John Wiley & Sons, New York, pp. 975-977 (1995)		
77.	Banker et al. (eds.) Modern Pharmaceuticals Third Edition, Revised and Expanded, Marcel Dekker, Inc., New York, pp. 451 & 596 (1996)		
78.	Coleman et al. "Inhibitors of the mitotic kinesin spindle protein" Expert Opin. Ther. Patents 14(12): 1659-1667 (2004)		
79.	Li et al. "Discovery and development of antimitotic agents that inhibit tubulin polymerisation for the treatment of cancer" Expert Opin. Ther. Patents 12(11): 1663-1702 (2002)		

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Examiner Initial*	OTHER DOCUMENTS (Including Author, Title, Date, Pertinent Pages etc.)
80.	Malik et al., "Compositions, Devices and Methods for Treating Cardiovascular Disease," U.S. Patent Application No. 11/147,406, filed June 7, 2005.
81.	International Search Report and Written Opinion mailed October 21, 2005, for PCT Application No. PCT/US05/19791, filed June 7, 2005.
82.	Franco et al., "Functional association of retinoic acid and hedgehog signaling in Xenopus primary neurogenesis," Development, 126: 4257-4265 (1999)
83.	Gaffield et al., "A Looking Glass Perspective: Thalidomide and Cyclopamine," Cellular and Molecular Biology, 45(5): 579-588 (1999)
84.	Ghorab, "Synthesis of Some New Thiadiazole, Selena, Triazine, Thiazole and Cyanopyridine Derivatives with Assay for Their Antitumor Activity," <i>Phosphorus, Sulfur, and Silicon</i> , 112: 7-17 (1996)
85.	Gailani et al., "The role of the human homologue of <i>Drosophilia patched</i> in sporadic basal cell carcinomas," <i>Nature Genetics</i> , 14: 78-81 (1996)
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88.	Smith et al., "Effects of Gastrin, Proglumide, and Somatostatin on Growth of Human Colon Cancer," Gastroenterology, 95: 1541-1548 (1988)
89.	"Signal Transduction," from the <u>Dictionary of Biology</u> , Penguin Books, Ninth Edition reprinted with minor revisions, pp. 574-575 (1995)
90.	"Hyper-," from The British Medical Dictionary, Caxton, p. 706 (circa 1961)
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93.	Mayer et al, "Small Molecule Inhibitor of Mitotic Spindle Bipolarity Identified in a Phenotype-Based Screen," <i>Science</i> , 286: 971-974 (1999).
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97.	Farrell et al., "The role of ATP hydrolysis for kinesin processivity," PubMed Abstract only, <i>J Biol Chem</i> , 277(19): 17079-17087 (2002).		
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